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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,429	02/22/2002	William A. Haseltine	PF106P3D1	9565

22195 7590 10/24/2005  
HUMAN GENOME SCIENCES INC  
INTELLECTUAL PROPERTY DEPT.  
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EXAMINER

RAWLINGS, STEPHEN L

ART UNIT PAPER NUMBER

1643

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/079,429

Examiner

Stephen L. Rawlings, Ph.D.

Applicant(s)

HASELTINE ET AL.

Art Unit

1643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 09 August 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

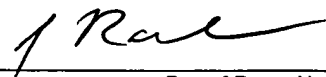
1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.



Continuation of 4(e) Other: At page 11 of the amendment filed August 9, 2005 Applicant has stated that claims 1, 3, 13, and 18 have been amended; yet there is no set of claims in any amendment filed to date that includes markings to show how these claims were changed relative to their immediate prior versions. Although it is appreciated that Applicant has attempted to clarify that these claims were previously amended by the amendment filed February 23, 2004, because the amendment failed to show the changes that were actually made to the claims, it was presumed in the preceding Office action mailed June 10, 2005 that merely the status of claim 18 had been incorrectly identified. So, instead the amendment filed February 23, 2004 was non-compliant because it did not show how the claims were amended. The amendment filed August 9, 2005 fails to correct the deficiency of the earlier filed amendment, as it still does not include a listing of the claims showing how these claims were changed, and moreover it improperly identifies the status of these claims, since they were never properly presented in a previous amendment. Accordingly, it is believed that the record is best served by Applicant's submission of a set of claims in which the changes made to those claims is clearly demarcated in accordance with the provisions of 37 C.F.R. 1.121. As such, in response to this communication, Applicant should submit a corrected copy of the listing of claims showing each and every change made to claims 1, 3, 13, and 18, relative to the version of those claims presented February 22, 2002 (claims 1, 3, and 13) or January 27, 2003 (claim 18), and identifying those claims are "currently amended"; furthermore, this corrected copy of the listing of claims should identify any other claims amended, canceled, or added since the amendment filed January 27, 2003 and if amended, marked to show how they were changed relative to their prior version. Applicant is reminded that the text of canceled claims is not included in the listing.

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STEPHEN RANLINGS  
EXAMINER  
ART UNIT 1643